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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/184,744 11/03/98 WARWICK

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EXAMINER

WM01/0924

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WASHINGTON DC 20036-3307

TRAN. P

ART UNIT

PAPER NUMBER

2664

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09/24/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.

09/184,744

Applicant(s)

WARWICK, COLIN A.

Examiner

PHUC H TRAN

Art Unit

2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 1, 3-15, 17-22, 24-25, & 27-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Schmidt et al. (U.S. Patent No. 6160585, Dec 12, 2000).

- With respect to claims 1, 11, & 18, Schmidt teaches system for selective multicasting in a communications system which is interpreted as the claimed a system for transmitting a plurality of localized information streams (e.g. transmitting specific advertisements into specific areas) within a common general digital audio broadcast channel (col. 1, lines 11-15), which comprises: a plurality of local content source information streams (e.g. plurality commercial); and a level address discrimination which bases upon the geographical location; an implementation of level of discrimination bases upon any of conventional and standard multiple-access schemes such as FDMA, TDMA, CDMA or combinations of these techniques. Schmidt fails to explicitly teaches a plurality of local broadcast identifying codes each associated with a respective one of the plurality of local content source information streams; a formatting module adapted to

insert the plurality of local broadcast identifying codes into respective ones of the plurality of local content source information streams. However, it is understood the level address discrimination, which likes the identifying code of each local content source information, and the implementation of level discrimination, which is a formatting module adapted to insert the identifying codes into source information streams, for transmitting difference information to different destination in the same signal. Therefore, it would be inherent to know the level address and the implementation of level address are not different from the identifying code and insert the code to the information streams.

- With respect to claim 3, Schmidt teaches wherein the transmitter transmits the data packets using a one-way broadcast scheme (e.g. the transmitting video segment through the satellite is one way broadcast).

- With respect to claim 4, Schmidt further teaches wherein the transmitter transmits the data packets in a time division multiplex scheme (col. 3, line 8).

- With respect to claim 5, Schmidt also teaches wherein the plurality of local broadcast identifying codes each relate to a local geographic area within a general broadcast area services by the system (e.g. address of video segment is relate to local geographic with special advertisement of special audiences).

- With respect to claims 6-8, 13, 20, 27, & 31, Schmidt teaches the address of video segment, which is dynamic to different audiences. Schmidt fails to explicitly teach wherein the plurality of local broadcast identifying codes each relate to a postal code, a zip code and base on a respective geographic area. However, it is understood the address of video segment is identification of receivers and the address, which could be

any thing such as postal code or zip code, purposes for identify of the receiver.

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time of the invention, to know the code of identification, which could be any thing with purposing of identify the receivers.

- With respect to claim 9, Schmidt discloses wherein the system for transmitting is included within a satellite broadcast system (Fig. 4).

- With respect to claim 10, Schmidt also discloses wherein the system for transmitting is included within a wired cable broadcast system (col. 1, lines 45-47).

- With respect to claims 12 & 19, Schmidt teaches wherein the local content information streams are in each of a digital audio broadcast information stream (e.g. the address in video segment).

- With respect to claims 14 & 21, Schmidt teaches wherein the general broadcast area is nationwide (e.g. Fig. 4 the satellite 210 broadcasting to a region).

- With respect to claims 15 & 22, Schmidt discloses formatting data packets for each of the plurality of local content information streams (e.g. block 12 in Fig. 1).

- With respect to claims 17 & 24, Schmidt also discloses the common channel is a digital audio broadcast channel (col. 1, lines 11-15).

- With respect to claim 29, Schmidt teaches a method of receiving one of a plurality of local audio content source information streams in a common channel of a digital audio broadcast system (e.g. Fig. 3 shows receiving video stream of receiver 100), which comprises: monitoring the common channel for a local audio transmission associated with a geographic location of a receiver (col. 4, lines 19-21); and playing

back the local audio content source information stream if a monitored local transmission is associated with the geographic location of the receiver (col. 4, lines 28-31).

- With respect to claim 25, Schmidt teaches an information stream combiner for a digital audio broadcast transmitter (e.g. video digital signal is broadcast to receivers), which comprises: a local audio content source (e.g. specific advertisement information); a module adapted to packetize the local audio content sources (e.g. block 16 in Fig. 1); a video processing (block 12 in Fig. 1) for generating the video data signal. Schmidt fails to explicitly disclose a local broadcast identifying code storage element; and a processor adapted to insert a local identifying code obtained from the local broadcast identifying code storage element into each data packet containing a portion of the local audio content source. However, it would have been obvious to a person of ordinary in art, at the time of the invention, to understand there is a storage element of local broadcast identifying code to insert the identification code into the information and sending to specific receivers.

- With respect to claim 28, Schmidt teaches audio encoders to compress a transmitted data rate with respect to the local audio content source (col. 3, lines 17-18).

- With respect to claim 30, Schmidt teaches the monitoring including a search of detected data packets for the unique local broadcast identifying code contained therein corresponding to a transmission associated with the geographic location of the receiver (e.g. the VPE 108 selects one of addressable video segment, which is base upon certain demographic). Schmidt fails to explicitly disclose storing a unique local broadcast identifying code associated with the geographic location of the receiver.

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However, it is understood, there is the storing a unique local broadcast identifying code associated with the geographic location of the receiver for selecting one of broadcast information from the satellite or cable in Schmidt's system. Therefore, it would have been obvious to a person of ordinary skill in the art, at the time of the invention, to know the storing a unique local broadcast identifying code or an address, which associates with geographic location for selecting one of broadcast information that belongs to the local information for selecting one of the broadcast information.

- With respect to claim 32, Schmidt teaches preempting reception of a general broadcast during reception of transmission relating to the geographic location of the receiver (e.g. the video segment is general broadcast and the advertisement or commercial is relate to local or specific audiences).

- With respect to claim 33, Schmidt teaches superimposing transmissions associated with the geographic location of the receiver with transmission relating to a general broadcast (e.g. the storing commercial and display at the specific time).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 2, 16, 23, & 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmidt et al. (U.S. Patent No. 6160585, Dec 12, 2000) in view of Tanabe (U.S. Patent No. 5918156, Dec 29, 1999).

- With respect to claims 2, 16, 23, & 26, Schmidt also teaches an addressable video segment, which is dynamic to different audiences. Schmidt fails to teach wherein at least one of the pluralities of local broadcast identifying codes is contained in a header of each data packet transmitted by the transmitter. Tanabe teaches the packet header includes a packet number, an identification of the receiver (Fig. 6) for transmitting an information to the right receiver. Therefore, it would have been obvious to a person of ordinary skill in art, at the time of the invention, to combine the method of inserting the identification of the receivers into the header of Schmidt for transmitting a specific information to specific receiver at a predetermined area.

#### ***Response to Arguments***

5. Applicant's arguments filed on 5-July-2001 have been fully considered but they are not persuasive.

- The applicant's argument that Schmidt fails to teach a digital radio transmitter or transmitting a digital radio signal (page 5). Examiner respectfully disagrees with the applicant's arguments. The system for selective multicasting in a communications system of Schmidt teaches the digital video signals are converted to analog signal such as radio frequency and transmitted by video radio transmitter (col. 3, lines 28-31).



Therefore, it is concluded that the conventional features as described above meet the arguable features.

- The applicant's argument that both Schmidt and Tanabe fails to teach, or suggest at least one of the plurality of local broadcast identifying codes is contained in a header of each data packet transmitted by the transmitter. Examiner respectfully disagrees with the applicant's arguments. Tanabe teaches the identifying code is contained in the header of each data packet (col. 4, lines 61-65) for transmitting the packet to the right receiving station. Therefore, it would have been obvious to combine Tanabe's invention with Schmidt for transmitting information having the identifying code in the header in the communication system, which broadcasts information to a user.

### ***Conclusion***

**6. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUC H TRAN whose telephone number is (703) 308-7471. The examiner can normally be reached on M-F (8-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WELLINGTON CHIN can be reached on (703) 305-4366. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 872-9314.

PHUC H TRAN  
Examiner  
Art Unit 2664

P.t  
September 20, 2001

*Ricky Ngo*  
**RICKY NGO**  
**PATENT EXAMINER**  
*9/21/01*